

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sonny B. Driggars

Serial No.: To Be Assigned

Examiner: A. Falik

Filed: Filed Concurrently Herewith

Art Unit: 3741

For: **REISSUE OF U.S. PATENT NO. 6,253,582 – PRINT-RECEPTIVE, PILL-RESISTANT, KNITTED FABRIC**

Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT IN REISSUE

The following is a Preliminary Amendment filed concurrently herewith an application for Reissue of U.S. Patent No. 6,253,582, issued July 3, 2001.

The fee for the application for Reissue is submitted separately. If any fees for the accompanying amendment are required, Applicant requests that this be considered a Petition therefor. The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 09-0528.

IN THE SPECIFICATION:

Please add the following new paragraph to the Summary of the Invention, beginning at Column 3, following Line 39:

Although pill-resistance is discussed above with reference to a numerical value, pill-resistance is neither defined nor limited by or to a particular value.

IN THE CLAIMS:

In accordance with 37 C.F.R. § 1.173(b)(2), please add the following new claims:

New Claim 18. A print-receptive, pill-resistant, knitted fabric, said fabric knitted from yarn formed from high-tenacity, staple synthetic fiber having a tenacity value of greater than

about 4 grams/denier, wherein said knitted fabric is a double-knit fabric having a front side and a back side, the front side being formed from said high-tenacity, staple synthetic fiber and the back side being substantially formed from cellulosic yarn, said cellulosic yarn being selected from the group consisting of cotton and synthetic cellulosic fibers.

New Claim 19. The knitted fabric of Claim 18, wherein the back side of said fabric is substantially 100% spun cotton fiber.

New Claim 20. The knitted fabric of Claim 18, wherein the front side and back side of said fabric are a single jersey knit construction.

New Claim 21. The knitted fabric of Claim 18, further including a tie yarn between the front and back of said fabric.

New Claim 22. The knitted fabric of Claim 18, wherein the high-tenacity, staple synthetic fabric has a tenacity of about 6 grams/denier.

New Claim 23. A print-receptive, pill-resistant, knitted fabric, said fabric knitted from yarn formed from high-tenacity, staple synthetic fiber having a tenacity value of greater than about 4 grams/denier, and wherein said high-tenacity, staple synthetic fiber is air jet spun, and wherein said knitted fabric is a double-knit fabric having a front side and a back side, the front side being formed from said high-tenacity, staple synthetic fiber and the back side being substantially formed from cellulosic yarn, said cellulosic yarn being selected from the group consisting of cotton and synthetic cellulosic fibers.

New Claim 24. The knitted fabric of Claim 23, wherein the air jet spun, high-tenacity, staple synthetic fiber is polyester.

New Claim 25. The knitted fabric of Claim 23, wherein the back side of said fabric is substantially 100% spun cotton fiber.

New Claim 26. The knitted fabric of Claim 23, wherein the front side and back side of said fabric are a single jersey knit construction.

New Claim 27. The knitted fabric of Claim 23, further including a tie yarn between the front and back of said fabric.

New Claim 28. The knitted fabric of Claim 23, wherein the high-tenacity, staple synthetic fabric has a tenacity of about 6 grams/denier.

Status of Claims and Basis for Reissue

Claims 1-28 are pending in the application for Reissue. New Claims 18-28 are submitted herewith for broadening reissue.

Patentee believes that he claimed less than he had the right to claim in U.S. Patent No. 6,253,582 (the '582 Patent), which issued on July 3, 2001. Thus, in accordance with 35 U.S.C. 251, the patentee desires to broaden the scope of the original patent.

Patentee's invention is a print-receptive, knitted fabric. Each of the patentee's original, and issued, independent claims recite a numerical limitation for pill-resistance; i.e., a pill-resistance value of greater than about 3.

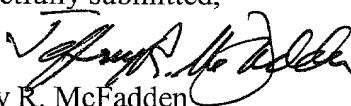
During examination of the original application, the Examiner initially rejected the independent claims under 35 U.S.C. 102(b), as being anticipated by U.S. Patent Nos. 3,894,318 and 4,071,502; however, a number of the dependent claims to the knitted fabric were allowed in the first Office Action. Those allowed dependent claims (Claims 2 and 9) were cancelled and the subject matter therein was incorporated into amended independent Claims 1, 7, and 23-24. Patentability, and hence, subsequent allowance of the amended independent claims was not predicated on a numerical limitation for pill-resistance.

Subsequent to issuance of the '582 Patent, the patentee recognized that a specific numerical limitation for pill-resistance is an unnecessary limitation that unduly limits the breadth of protection to which the patentee is entitled.

Conclusion

Applicant believes this case, with the broadened claims presented herein, is in condition for an immediate allowance with Claims 1-28 and such action is respectfully requested. However, if any matter remains unsolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance.

Respectfully submitted,


Jeffrey R. McFadden

Registration No. 46,419

Lewis S. Rowell

Registration No. 45,469

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
300 N. Greene Street, Suite 1900
Greensboro, NC 27401
(336) 574-8090

Date: 1.14.02
File No.: 4050-02A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In accordance with 37 C.F.R. § 1.173(b)(2), please add the following new claims:

Claim 18. A print-receptive, pill-resistant, knitted fabric, said fabric knitted from yarn formed from high-tenacity, staple synthetic fiber having a tenacity value of greater than about 4 grams/denier, wherein said knitted fabric is a double-knit fabric having a front side and a back side, the front side being formed from said high-tenacity, staple synthetic fiber and the back side being substantially formed from cellulosic yarn, said cellulosic yarn being selected from the group consisting of cotton and synthetic cellulosic fibers.

Claim 19. The knitted fabric of Claim 18, wherein the back side of said fabric is substantially 100% spun cotton fiber.

Claim 20. The knitted fabric of Claim 18, wherein the front side and back side of said fabric are a single jersey knit construction.

Claim 21. The knitted fabric of Claim 18, further including a tie yarn between the front and back of said fabric.

Claim 22. The knitted fabric of Claim 18, wherein the high-tenacity, staple synthetic fabric has a tenacity of about 6 grams/denier.

Claim 23. A print-receptive, pill-resistant, knitted fabric, said fabric knitted from yarn formed from high-tenacity, staple synthetic fiber having a tenacity value of greater than about 4 grams/denier, and wherein said high-tenacity, staple synthetic fiber is air jet spun, and wherein said knitted fabric is a double-knit fabric having a front side and a back side, the front side being formed from said high-tenacity, staple synthetic fiber and the back side being substantially formed from cellulosic yarn, said cellulosic yarn being selected from the group consisting of cotton and synthetic cellulosic fibers.

Claim 24. The knitted fabric of Claim 23, wherein the air jet spun, high-tenacity, staple synthetic fiber is polyester.

Claim 25. The knitted fabric of Claim 23, wherein the back side of said fabric is substantially 100% spun cotton fiber.

Claim 26. The knitted fabric of Claim 23, wherein the front side and back side of said fabric are a single jersey knit construction.

Claim 27. The knitted fabric of Claim 23, further including a tie yarn between the front and back of said fabric.

Claim 28. The knitted fabric of Claim 23, wherein the high-tenacity, staple synthetic fabric has a tenacity of about 6 grams/denier.